

**NEBRASKA STATE BOARD OF HEALTH MEETING**

**MINUTES – January 23, 2017**

**ATTENDANCE NOTIFICATION.** A regular meeting of the State Board of Health was called to order by the Chair, Diane Jackson, APRN-FNP, at 11:00 AM on January 23, 2017 in the Board Room of the Nebraska Bar Association in Lincoln. The agenda was posted on the Department of Health and Human Services website, and emailed to the Interested Parties list. The following members were present: Kevin Borchert, PharmD, RP; Shane Fleming, MSN, RN; Mike Hansen, Hospital Administrator; Russell Hopp, DO; Diane Jackson, APRN-FNP; Teresa Konda, PE; Kevin Low, DDS; Tony Moravec, DVM; Paul Salansky, OD; Wayne Stuber, PhD, PT; James Trebbien, Public Member; Doug Vander Broek, DC. Quorum met.

Members not in attendance: Dale Michels, MD; Debra Parsow; Travis Teetor, MD; Joshua Vest, DPM; Jeromy Warner, PsyD, LP.

Staff attending: Ron Briel, Matt Gelvin, Monica Gissler, Marla Scheer

**APPROVAL OF ANNUAL REPORT.** The Board of Health annual report for 2016 was discussed. Copies will be sent to Governor Ricketts, Lt. Governor Foley, members of the HHS Legislative Committee, professional board chairs, local health directors, health care professional associations, key HHS staff, and other interested parties. Dr. Borchert made a motion to approve the annual report; Mr. Fleming seconded. Call for vote on motion - voting yes: 12 (Borchert, Fleming, Hansen, Hopp, Jackson, Konda, Low, Moravec, Salansky, Stuber, Trebbien, Vander Broek); voting no: 0; not voting: 0. Motion carried, and report approved.

**LEGISLATIVE DISCUSSION.** Mr. Fleming, Chair of the Public Health, Education and Legislation Committee, listed bills of interest to his committee, as determined during a committee conference call held on January 19, 2017, and committee discussion held the morning of January 23<sup>rd</sup>. Conference call participants included Dr. Borchert, Mr. Fleming, Mr. Hansen, Ms. Konda, Dr. Michels, Dr. Teetor, Dr. Vander Broek, and staff Monica Gissler.

Mr. Fleming explained the three categories that the Board of Health places legislative bill in: Category 1: Take action on; 2: Monitor and take possible action on, and 3: monitor.

BILL	INTRODUCER	BOARD OF HEALTH PRIORITIES 2016
18	Kolterman	Change licensure and scope of practice for dental assistants and dental hygienists
19	Kolterman	Change requirements for the practice of acupuncture
40	Hilkemann	Prohibit use of an interactive wireless communication device by a school bus operator as prescribed
92	Kolterman	Require health carriers to provide coverage for telehealth services.
255	Crawford	Adopt the Dialysis Patient Care Technician Registration Act
279	Hilkemann	Require lap-shoulder belts on school buses as prescribed.
283	Riepe	Change and eliminate provisions relating to licensed practical nurses.
296	McCollister	Change immunity provisions with respect to asthma and allergic reactions.
299	Ebke	Adopt the Occupational Board Reform Act and change procedures for

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		rules and regulations.
360	Kolterman	Adopt the Surgical Technologists Registry Act.
368	Lowe	Change helmet provisions, change passenger age limits, and require eye protection for operators of motorcycles and mopeds.
402	Hilkemann	Change provisions of the Nebraska Regulation of Health Professions Act. (407)

Board of Health action means providing testimony or sending a letter either lending support or stating concerns regarding a bill. For each of the support and opposition bills listed above, the Board will send a letter and/or testify.

Ms. Jackson asked if anyone wanted to separate out any bill for individual consideration. Mr. Fleming made a motion to approve these legislative bills as the official Board of Health bills of interest for 2017. Call for vote on motion - voting yes: 12 (Borcher, Fleming, Hansen, Hopp, Jackson, Konda, Low, Moravec, Salansky, Stuber, Trebbien, Vander Broek); voting no: 0; not voting: 0. Motion carried. Whenever the Board of Health takes a position on a piece of legislation, a supermajority vote of 12 is required.

**RECESS.** The Board of Health recessed at 11:22 AM for lunch. Motion made by Mr. Hansen; seconded by Dr. Vander Broek. All in favor by voice vote.

**RECONVENE.** Ms. Jackson called the meeting back to order at 1:00 PM in Room 1023 of the State Capitol Building. Motion to reconvene was made by Dr. Stuber, with a second by Mr. Hansen. The following members were in attendance: Kevin Borcher, PharmD, RP; Shane Fleming, MSN, RN; Mike Hansen; Russell Hopp, DO; Diane Jackson, APRN; Teresa Konda, PE; Kevin Low, DDS; Tony Moravec, DVM; Paul Salansky, OD; Wayne Stuber, PhD, PT; James Trebbien, Public Member; Doug Vander Broek, DC. Twelve present; quorum met.

**APPROVAL OF AGENDA.** Ms. Jackson asked if there were any changes to the agenda for the meeting today. There being no objections, the agenda was approved by consent calendar.

**APPROVAL OF MINUTES.** Ms. Jackson asked if there were any changes to the minutes from the November 14, 2016 meeting. Dr. Stuber made a motion to approve the minutes, and Ms. Konda seconded. There being no objections, the minutes were approved unanimously by consent calendar.

**CHIEF MEDICAL OFFICER UPDATE.** Dr. Williams introduced himself and provided some background information. The Board of Health looks forward to working with him.

**LEGISLATIVE UPDATE.** Bryson Bartels presented on the DHHS legislative priorities and bills they are tracking. The Department has 13 bills this year. There were 657 total bills introduced, not counting resolutions. Board of Health members are concerned about LB402, and the burden it would place on board members, plus removing public input.

**CHAIRPERSON'S REPORT.** Ms. Jackson reported the following:

1. Thank you for your vote of confidence during the November Board of Health election of officers. I look forward to serving as your Chair in 2017. I want to keep communication open and moving.
2. Has anyone attended any professional board meetings that they would like to report on?
  - Dr. Moravec attended the December Board of Veterinary Medicine meeting.

It is important that you let Monica know in advance when you plan to attend a meeting, and if you plan to attend the entire meeting or just a portion. If the meeting includes a working lunch, a lunch will not be ordered for you, unless specific arrangements are made.

3. The Accountability and Disclosure Commission forms for the Statement of Financial Interests is due one month earlier this year, by March 1<sup>st</sup>.
4. We have all been enjoying the low gas prices. As a result, the state and federal reimbursement rate for car travel has been readjusted to .535 per mile.
5. Today we hosted senators for our annual Legislative luncheon. If you have not already paid your share, please see Monica or Marla.

**COMMITTEE REPORTS.**

**Rules and Regulations Committee** – Mr. Hansen, Committee Chair, reported.

- Motion to Untable Title 172 NAC 58 - Rules and Regulations Relating to Dental Faculty. Dr. Low moved and Dr. Borchert seconded. Call for vote on motion - voting yes: 12 (Borchert, Fleming, Hansen, Hopp, Jackson, Konda, Low, Moravec, Salansky, Stuber, Trebbien, Vander Broek); voting no: 0; not voting: 0. Motion carried. The proposed regulations were reviewed.

Reviewed updated UCA Regulations Status Report, and upcoming public hearings.

**Credentialing Review (407) Committee** – Dr. Moravec, Committee Vice Chair, presented.

Credentialing Review documents may be accessed at [http://dhhs.ne.gov/Pages/reg\\_admcr.aspx](http://dhhs.ne.gov/Pages/reg_admcr.aspx).

1. Approval of the Board of Health report on the Dialysis Technicians Proposal formulated during the morning committee. For more information, see the reports posted on the website. Call for vote on motion - voting yes: 12 (Borchert, Fleming, Hansen, Hopp, Jackson, Konda, Low, Moravec, Salansky, Stuber, Trebbien, Vander Broek); voting no: 0; not voting: 0. Motion carried.

2. Volunteers for the upcoming Psychology Prescribing Technical Review Committee. We are looking for a Board of Health representative to volunteer to chair the TRC.

- Judith Lee Kissell, PhD, Retired, Professor of Medical Ethics, Creighton University
- Wendy McCarty, EdD, College Instructor, University of Nebraska at Kearney
- Mary Sneckenberg of Lincoln
- Liane Connelly, PhD, RN, NEA-BC of Norfolk
- Allison Dering-Anderson, Pharm.D, RP, UNMC College of Pharmacy, Omaha,
- Robert Sandstrom, PhD, PT, Creighton University

There was a Committee motion to recommend these volunteers to Dr. Williams to serve in the Technical Review Pool. Voting yes: 12 (Borcher, Fleming, Hansen, Hopp, Jackson, Konda, Low, Michels, Moravec, Salansky, Stuberg, Trebbien, Vander Broek); voting no: 0; not voting: 0. Motion carried.

3. Formulate recommendations on the Board of Health recommendation on the LPN proposal. Dr. Borcher asked Ms. Weidner to summarize the changes the proposal would bring if it were to pass. Ms. Weidner stated that it would eliminate the LPN-C credential and would require that LPNs acquire only one credential in order to do their work. The proposal would also incorporate the IV therapy components of LPN practice under this one LPN credential and allow those LPNs who meet the educational and training standards to provide IV therapy. She added that all of the major health care organizations in Nebraska are supporting their proposal including the Nebraska Medical Association, The Nebraska Nurses Association, The Nebraska Hospital Association, and the Nebraska Healthcare Association, and that there has been no opposition to the proposal.

Dr. Hopp commented that the proposal is redundant in that it doesn't do anything for the public beyond what is already occurring and that the effort to advance this proposal seems to be driven almost entirely by cost and administrative concerns.

Voting yes on the LPN Proposal: 10 (Borcher, Fleming, Hansen, Jackson, Konda, Low, Michels, Moravec, Salansky, Stuberg, Vander Broek); voting no: 2 (Hopp, Trebbien); not voting: 0. Motion carried.

**Professional Boards Committee.** Dr. Hopp, Committee Vice Chair, reported.

The Committee interviewed 7 applicants this morning, and make the following recommendations for appointment:

Board of Cosmetology:

Gloria Harper, RN, LE, CE from Omaha was appointed for the partial term starting today through November 30, 2019.

**Board of Dentistry: Dental Faculty Members**

Yoshiharu Ameku, DDS, Dental faculty member UNMC, from Lincoln was appointed for the partial term starting today through November 30, 2020.

David Blaha, DDS, Dental faculty member Creighton, from Lincoln was appointed for the term starting today through November 30, 2021.

Voting yes: 12 (Borcher, Fleming, Hansen, Hopp, Jackson, Konda, Low, Moravec, Salansky, Stuberg, Trebbien, Vander Broek); voting no: 0; not voting: 0. Motion carried.

The 2017 Vacancy List was reviewed. There are 22 planned vacancies to fill this year, including the carry over positions which did not get filled in November.

There will be interviews scheduled for March 20<sup>th</sup>. There are still nine positions with no applicants. We are particularly in need of public members.

**Public Health, Education and Legislation Committee:** Mr. Fleming, Committee Chair, continued his Committee report.

Board members shared their observations regarding the pros and cons of the Legislative luncheon.

There will be an educational presentation at the March 20<sup>th</sup> Board of Health meeting on prescription drug monitoring by Dr. Borcher.

**NEBRASKA V. HOWARD PAUL SUMMARY.** Teresa Hampton, DHHS attorney, explained this case. If something requires you to be licensed and meet certain requirements, you cannot delegate the activity, or the authority.

**OPEN PUBLIC MEETINGS ACT.** Teresa Hampton, DHHS attorney, provided a Powerpoint presentation on the requirements of conducting open public meetings. Per our own by-laws, we cannot have nine or more Board members at a committee meeting. She advised us to be aware of public perception about gatherings of members. Ms. Hampton also recommended we revisit our consent calendar policy, which we will do in March. Copies of the presentation are available upon request.

**NEW BUSINESS.**

- Location for September Meeting. Please bring your suggestions to the March meeting.

**PUBLIC COMMENTS.** None.

**PREPARATION FOR NEXT MEETING.** The next regular Board of Health meeting will be March 20, 2017 at the State Office Building in Lincoln.

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**ADJOURN.** There being no further business, Dr. Stuberger made a motion to adjourn, with a second by Dr. Borchert all in favor by voice vote. The meeting adjourned at 2:26 PM. Minutes were taken by Monica Gissler, and have not been approved by the Board of Health.

***NOTE:*** If you would like to receive these minutes electronically instead of receiving a hard copy, please send a request to the email address below. Please also inform staff if you would like to be removed from this distribution list altogether.

*If you would like any attachments mentioned in these minutes, or have other questions, please contact Monica Gissler, 402/471-6515, Fax 402/471-0383, or email at: [monica.gissler@nebraska.gov](mailto:monica.gissler@nebraska.gov).*

Rev 2/17/17, mcg